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9 UNITED STATES BANKRUPTCY COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 In re:

12 Duane Anthony Shugart

13 Debtor(s)

Case No. 21-90557
DCM: EML-001
Chapter 13

**DEBTOR'S EX PARTE APPLICATION
FOR ORDER GRANTING APPROVAL
TO APPLY FOR CALHFA MORTGAGE
RELIEF FUNDS**

Judge: Hon. Christopher D. Jaime
Hearing: Hearing Not Set

16 TO THE UNITED STATES BANKRUPTCY COURT and the CHAPTER 13 TRUSTEE:

17 Pursuant to Bankruptcy Code § 105, Debtor Duane Anthony Shugart requests an order
18 from the Court granting approval for the Debtor to apply for funds from the CalHFA Mortgage
19 Relief Program. The application, which is accessible at <https://camortgagerelief.org/>, requires
20 that applicants with active bankruptcy cases, obtain a letter from the Chapter 13 Trustee, giving
21 written approval that you “may receive mortgage assistance funds and said funds shall be applied
22 to any first lien loan arrearage on your primary residence.”

23 Debtor’s attorney contacted the Chapter 13 Trustee, Russell Greer, and was informed that
24 “the Trustee does not provide letters and that they have to file a Motion with the court to get the
25 judge’s approval.”

26 WHEREFORE, Debtor respectfully requests that this Court disallow grant an order
27 granting approval for Debtor to apply for CalHFA Mortgage Relief Program funds.

28 Date: January 21, 2022

/s/Evan Livingstone
Evan Livingstone, Attorney for Debtor

1 Declaration of Evan Livingstone

2 I, Evan Livingstone, declare as follows:

3 1. I am attorney for Debtor, Duane Anthony Shugart, in this bankruptcy case.

4 2. Debtor Duane Anthony Shugart wishes to apply for funds from the CalHFA Mortgage
5 Relief Program to pay the arrears on his mortgage.

6 3. The application, which is accessible at <https://camortgagerelief.org/>, requires that
7 applicants with active bankruptcy cases, obtain a letter from the Chapter 13 Trustee, giving
8 written approval that you “may receive mortgage assistance funds and said funds shall be applied
9 to any first lien loan arrearage on your primary residence.”

10 4. I contacted the Chapter 13 Trustee, Russell Greer, and was informed that “the Trustee
11 does not provide letters and that they have to file a Motion with the court to get the judge’s
12 approval.”

13 5. Attached as Exhibit A is a sample trustee approval letter downloaded from the
14 camortgagerelief.org website.

15 I declare under penalty of perjury of the laws of the United States that the foregoing is
16 true and correct.

17
18 Executed January 21, 2022 in Santa Rosa, California

/s/Evan Livingstone
Evan Livingstone

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Exhibit A
Sample Trustee Approval Letter

Bankruptcy Trustee substantiation letter

Dear **California Mortgage Relief Program**,

I, _____ (*name*) am the bankruptcy trustee for _____ (*applicant name*), who has applied for a grant through the California Mortgage Relief Program.

This letter is acknowledgement that the applicant may receive funds through the California Mortgage Relief Program and that these funds shall be applied to any first lien loan arrearage on their primary residence.

I further acknowledge that I understand that these funds will go directly to the applicant's mortgage servicer and will not become part of the applicant's bankruptcy estate.

Signature

Name:

Title:

Email:

Phone Number:

Date: